



**DEPARTMENT OF PUBLIC SAFETY
POLICIES & PROCEDURES**



POLICY NUMBER	
PRS: 01	
EFFECTIVE DATE: 04/11/2011	ORIGINAL ISSUED ON: 07/02/1994
REVISION NO: 5	

SUBJECT: STATE POLICE REINSTATEMENT

1.0 PURPOSE

The purpose of this policy is to establish minimum criteria that former State Police officers must meet to be eligible for reinstatement under the provisions of this policy. The policy also contains provisions on benefits, seniority, and promotion for those who former officers who are reinstated.

2.0 POLICY

It is the policy of the Department of Public Safety to have a fair and consistent mechanism by which qualified, formerly commissioned State Police officers may be reinstated.

3.0 APPLICABILITY

This policy applies to all former New Mexico State Police officers seeking reinstatement.

4.0 REFERENCES

- A. 29-2-4 NMSA 1978, New Mexico State Police**
- B. 29-2-6 NMSA 1978, Qualification of Members**
- C. 29-7-1 NMSA 1978, Law Enforcement Training Act**
- D. 10.29.1 NMAC, Public Safety and Law Enforcement, Law Enforcement Academy**

5.0 DEFINITIONS

- A. Certification Requirements** – Requirements that must be met prior to being reinstated as a commissioned state police officer. Such requirements are promulgated through the New Mexico Law Enforcement Academy Board and the Department of Public Safety.
- B. Chief** – Chief of the State Police.
- C. Commission** – A certificate or commission card granting rank and authority to act as a peace officer for the Department of Public Safety.
- D. DPS** – Department of Public Safety.
- E. Reinstatement** – The act of reinstating and/or reissuing a State Police commission previously held by a former commissioned state police officer.

6.0 PROCEDURE

It is the policy of the Department of Public Safety that any former commissioned New Mexico State Police officer seeking reinstatement must meet and understand the following minimum criteria before being considered for reinstatement by the Chief:

STATE POLICE REINSTATEMENT

- A. No applicant shall be eligible for reinstatement through the provisions of this policy if he/she:
1. Was previously removed from office or terminated by the DPS, State Police Division.
 2. Resigned pending termination proceedings.
 3. Resigned pending disciplinary proceedings, not including termination.
 4. Resigned pending any criminal or administrative investigation which could have resulted in disciplinary action.
 5. Resigned before allegations of misconduct are reported to the department or before the department can initiate an investigation which the employee knew of, or should have known was forthcoming.
- B. In the event an employee is terminated for failure to meet the educational requirements established by state law, such employee will only become eligible for reinstatement when he/she can demonstrate compliance.
- C. Each applicant must comply with all legislative and regulatory New Mexico Peace Officer certification/qualification requirements at the time of application, including any additional requirements set forth by the Department of Public Safety, New Mexico State Police Division.
- Clarification added.
1. Applicants must possess a current and active Peace Officer certification from the New Mexico Law Enforcement Academy prior to making application. Applicants who have been out of law enforcement for more than two years but less than eight years will be required to attend a certification by waiver class prior to reinstatement. Applicants who have been out of law enforcement for less than 2 years will **not** be required to attend a certification by waiver class,
 2. All applications for reinstatement must be made on a prescribed form to the State Police Training and Recruiting Bureau. The State Police Training and Recruiting Bureau will be responsible for developing and disseminating any required forms, accepting applications, screening, processing and tracking applicants, making recommendations to the Chief on eligibility of applicants, and record keeping.
 3. If the applicant has been employed by another police agency during separation, all certificates of training obtained with the other agency, are to be submitted with the application for reinstatement.
 4. The applicant shall submit any other information as required by the Department of Public Safety, New Mexico State Police Division.
- D. The applicant must submit to a complete background investigation as determined by the Department of Public Safety, New Mexico State Police Division, for the purpose of determining the moral character, general reputation, and fitness of the applicant. The Chief, at his discretion, may authorize a partial background investigation depending on the candidate's length of separation from the department or his/her continuous service in law enforcement since separating from the department.
- E. The applicant must successfully complete psychological and physical examinations and agility tests administered by individuals designated by the Department of Public Safety, New Mexico State Police Division. The costs of said examinations and tests will be

STATE POLICE REINSTATEMENT

borne by the Department of Public Safety, New Mexico State Police Division. The Chief, at his discretion, may waive this requirement depending on the candidate's length of separation from the department or his/her continuous service in law enforcement since separating from the department.

- F. The applicant must have satisfactorily performed the duties of a New Mexico State Police officer prior to his/her separation from the State Police Division. The Chief of the state police has sole discretion on determining whether an applicant satisfactorily performed his/her duties prior to separation.

- G. An applicant for reinstatement must pass all qualifications and requirements deemed necessary by the Department of Public Safety and the Training and Recruiting Bureau prior to an applicant being offered a position as a New Mexico State Police officer.

1. An applicant's preference on duty station shall be discussed with the Training and Recruiting Bureau during the application process. The preferred duty location will be approved by the Chiefs Staff and the District Commander affected by the preference prior to an assignment being made.
2. An available start date will be discussed with the applicant prior to an assignment being made.

- H. An officer who is reinstated must adhere to the following criteria before being allowed to perform work related activities.

Clarification added.

1. An officer who is reinstated shall report to the Training and Recruiting Bureau on their first official work day. The Training and Recruiting Bureau will be responsible for the issuance of all equipment, to include a vest and firearms, necessary for an officer to perform their duties.
2. The reinstated officer will be required to qualify with all department weapons before being allowed to go on duty. The location of this qualification will be determined through discussions and agreement by the Training and Recruiting Bureau and the Commander of the District where the reinstated officer has been assigned to. The qualification will be overseen by the Training and Recruiting Bureau or by a District qualified range master.
3. An officer reinstated shall be on an FTO program for a minimum of two weeks taking into consideration the length of time separated from law enforcement related work activity. The District Commander will make an evaluation on whether that FTO program shall be extended or if the newly reinstated officer is ready for full duty.

- I. It is the policy of the Department of Public Safety that any former New Mexico State Police officer who is reinstated must adhere to the following guidelines.

1. A one-year probationary period must be served following reinstatement in addition to completing any balance remaining of the initial two-year probationary period (including any extension) required to be served after recruit school.
2. Salary and benefits will be established according to policy.
3. A reinstated officer will be eligible for promotion to sergeant after five satisfactory years of service with the New Mexico State Police Division, three years of which must be post-reinstatement. All years of service prior to reinstatement will be computed in determining seniority for promotional purposes.

STATE POLICE REINSTATEMENT

- J. An applicant eligible for reinstatement under this policy may be reinstated by the Chief of the State Police, solely at his/her discretion. No applicant for reinstatement has any right, conferred by this policy, or otherwise, to reinstatement. The State Police Chief's discretionary determination regarding reinstatement is not reviewable or subject to appeal, and is considered final.

7.0 ATTACHMENTS

NONE

8.0 APPROVAL

APPROVED BY: s/ Gorden E. Eden, Jr.
DPS Cabinet Secretary

DATE: April 11, 2011